

**STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

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In re:	)	
	)	Case No. 09-40795
FORUM HEALTH, <i>et al.</i> <sup>1</sup>	)	Jointly Administered
	)	
Debtors.	)	Chapter 11
	)	
	)	Judge Kay Woods
	)	

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**THIRTEENTH POST-CONFIRMATION STATUS REPORT  
OF THE LIQUIDATING TRUSTEE**

Dalton T. Edgecomb, the Liquidating Trustee of the Forum Health Liquidating Trust (the “Liquidating Trustee”), hereby submits this thirteenth post-confirmation status report (the “Report”) pursuant to Section 3.9.5 of the Debtors’ Second Amended Chapter 11 Plan of Liquidation (the “Plan”), Docket No. 1642. The Liquidating Trustee respectfully states as follows:

**Background**

1. On July 21, 2011, the Court entered the Findings of Fact, Conclusions of Law and Order Confirming Debtors’ Second Amended Chapter 11 Plan of Liquidation, Docket No. 1730 (the “Confirmation Order”). The Plan became effective on August 17, 2011 (the “Effective Date”).

2. Pursuant to the Plan, the Liquidating Trustee is to file a semi-annual report regarding the administration of property subject to the Forum Health Liquidating Trust’s ownership and control pursuant to the Plan, distributions made by it, and other matters relating to the implementation of the Plan.

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<sup>1</sup> The Debtors include: Forum Health (31-1560189), Western Reserve Care System (34-1454933), and Trumbull Memorial Hospital (34-1461049).

3. The Liquidating Trustee has filed prior Reports at Docket Nos. 1960, 2168, 2256, 2325, 2340, 2346, 2349, 2350, 2354, 2358, 2361, and 2362.

### **Report**

4. Since the Effective Date and the filing of the most recent Report, the Liquidating Trustee has continued to take significant steps in the wind down of the estates. This Report summarizes the current status of the cases.

#### **A. Financial Reporting**

5. Attached as Exhibit A hereto is the Liquidating Trustee's report regarding cash assets of the Forum Health Liquidating Trust (the "Liquidating Trust") and receipts and disbursements made from July 1, 2017 through December 31, 2017.

#### **B. Distributions to Holders of Allowed Claims**

6. As previously reported in prior Reports, the Liquidating Trustee has made five distributions to holders of allowed General Unsecured Claims, which collectively total approximately \$14.84 million, making the dividend received by holders of general unsecured claims total 10% to date. The Liquidating Trustee anticipates that there will be at least one more distribution to general unsecured creditors.

#### **C. Avoidance Actions**

7. As previously reported, all avoidance actions filed by the Liquidating Trustee have been resolved.

#### **D. Claims**

8. As previously reported, the Liquidating Trustee has resolved or received orders resolving all disputed claims against the Debtors, including medical malpractice claims.

**E. Cost Reports**

9. As previously reported, the Liquidating Trustee and the Centers of Medicaid and Medicare (“CMS”) resolved all of the outstanding cost reports for the years 2006 through 2010, but certain appeals that were previously filed on behalf of the Debtors regarding cost reports for other years are still pending.

**F. Debtor Tasks**

10. There are two tasks of the Debtors that are relevant to Liquidating Trustee because, pursuant to Section 2.1(a)(xvii) of the Liquidating Trust Agreement, the Liquidating Trustee may pay the post-Effective Date costs of remaining Debtors to complete their wind down.

(i) Restricted Charitable Funds

11. As previously reported, Debtors Trumbull Memorial Hospital and Western Reserve Care System have received appropriate state court authorization to direct restricted donated funds to an appropriate charitable purpose. To the extent any other restricted accounts are discovered, the Debtors will continue to take such appropriate actions as required under the Plan.

(ii) Forum Health Insurance Limited (FHL)

12. Debtor Forum Health is monitoring the winddown of non-debtor FHL to deliver to the Pension Benefit Guaranty Corporation (“PBGC”) any excess value in FHL pursuant to the Plan.

## **Conclusion**

The Liquidating Trustee will continue to perform his duties in accordance with the terms of the Plan.

February 6, 2018

Respectfully submitted,

/s/ Sean D. Malloy

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